T/SOR/49/2/40

Worker loses leg after cement burns

CROYDON Crown Court

A SCIENTIFIC instruments manufacturer was ordered to pay out *£15,000* in fines and costs after a court heard that one of its employees lost part of his right leg when he suffered severe cement burns while laying a concrete floor.

Prosecuting on behalf of the Health and Safety Executive (HSE), James Ageros told Croydon Crown Court that 60-year-old maintenance worker Kevan Bloomfield was resurfacing a yard at Astell Scientific (Holdings) Limited's factory in Sidcup, Kent, when the incident happened on 16 February 2000.

To carry out the work, Bloomfield - who was only wearing a pair of ripped jeans and rubber Wellington boots - would kneel on the ground on top of the concrete and level it off, said Ageros.

However, when Bloomfield removed his jeans and boots after completing the work, he noticed that he had developed a severe rash on both of his legs,

He was taken to the burns unit of a local hospital where he was diagnosed with full skin thickness chemical burns. Although he underwent extensive skin grafts, his right leg later had to be amputated below the knee, said Ageros,

Bloomfield had failed to notice the damage to the skin on his legs because the alkaline nature of the wet cement meant that the nerve endings in his skin had been destroyed. As a result, although his legs felt numb while he was kneeling on the ground, he did not realise this was due to cement bums, said Ageros.

The court heard that the incident happened because the company failed to ensure that Bloomfield was provided with suitable personal protection equipment for the work. Although the firm's technical director had instructed Bloomfield to wear plastic trousers while he was laying the floor, the company failed to warn Bloomfield of the risk of cement burns if he failed to wear them, said Ageros.

In addition, no checks were made by the firm to ensure that Bloomfield was wearing the protective trousers while undertaking the work.

Ageros added that the company should have carried out a suitable risk assessment covering the concrete laying work. This would have identified the need to provide additional safety measures such as a wooden kneeling board to prevent Bloomfield's legs coming into contact with the wet concrete.

Speaking in mitigation for Astell Scientific (Holdings) Limited, which pleaded guilty, Robert Weir said that, following the incident, the company had spent £10,000 providing appropriate health and safety training to all its employees.

Astell Scientific (Holdings) Limited was fined £11,000 under Section 2(1) of the HASAWA 1974 for failing to ensure the safety of people in its employment, and was ordered to pay the full prosecution costs of £4,000

LEGAL REQUIREMENTS

The Health and Safety at Work etc Act 1974, applies to all persons at work, employers, employees and the self-employed. It is an enabling Act under which codes of regulations and Safety Standards are enforced and improved as necessary.

Examples of legislation applicable to Council sites include the Construction Regulations (1961 & 1966), the Factories Act 1961 and the Offices, Shop and Railway Premises Act 1963. These have been joined by the recent legislation introduced in line with the E.C. Health and Safety Directives.

Such legislation places duties on individuals and corporate bodies alike as follows: -

Employers

Employers must ensure the health, safety and welfare at work of all employees by: -

- Ensuring safe use, handling, storage and transport of all articles and substances.
- Provide adequate information, instruction, training and supervision.
- Providing and maintaining safe plant and systems of work.
- Providing and maintaining safe places of work with safe access to and egress from them.
- Providing and maintaining a safe working environment together with adequate welfare facilities.
- An employer of five or more people must also prepare a safety policy and bring a statement of this policy to the attention of all employees.

Employees

All employees have a legal duty: -

- Take reasonable care for their own health and safety and that of others who may be affected by their acts or omissions.
- Co-operate with the employer and or any other person to enable them to comply with their health and safety duties.
- Not intentionally or recklessly interfere with or misuse anything provided in the interests of health, safety and welfare at work.

Duties to third parties

All employers and self-employed persons have a duty to conduct their undertaking in such a way that people who are not employed by them are not exposed to risks to their health and safety. This particular reference to children, visitors and other trades who may be on our sites, whether legitimately or illicitly.

Supplies

Designers, manufacturers, importers and suppliers have a responsibility to ensure that articles and substances for use at work are safe and free from health risk when used in a foreseeable fashion. They must provide sufficient information concerning any risks and the necessary precautions to ensure safe use.

Enforcement and Penalties

For most Council activities, the law is enforced by Inspectors from the Health and Safety Executive. They have wide ranging powers to enable them to deal with hazards and investigate incidents. Full co-operation should be given to them since obstructing an Inspector in his/her official duties is, in itself, an offence.

Your Responsibilities

- Each employee must take on responsibility for his/her own safety.
- Do not undertake any job unless you fully understand the safe and proper way to do it. If in doubt ask your supervisor – do not guess.
- Always adopt a safe and responsible manner of conduct.
- Always use the correct equipment and tools for the job.
- Always use the safety equipment and protective clothing provided.
- Report all defects in plant and equipment.
- Observe and comply with warning and hazard notices.
- Advise newcomers of safe working practices.
- Know where to go for first aid treatment.
- Report any injury and ensure it is entered in the accident book.
- Never indulge in horseplay or practical jokes at work.
- Never attempt to work under the influence or drugs or alcohol.
- Always work safely – the Council does not want you to take risks or to work in hazardous conditions.

Promote Safe Practices

- Consider safety first. If you are not sure of procedures – ASK.
- Do not take short cuts – use the access provided.
- Do not remove ladders or guard rails from scaffolds unless instructed to do so and replace them promptly.
- Play your part in keeping the site tidy and safe.
- Look out for hazard warning notices and obey them.
- Never attempt to operate a machine unless you have been trained and authorised to do so.
- Attempting to lift heavy objects or materials can cause injury – obtain assistance where necessary.
- Study your Department's Safety Policy and this booklet, which explains the arrangements, made for your health and safety.
- Remember you have a legal duty to take reasonable care of your own health and safety and to avoid placing other people at risk such as those who work with you and members of the public.
- If in doubt about your job, ask your immediate supervisor for guidance.
- Your co-operation in discouraging children from entering the site will help reduce the risk of accidents to them.